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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,683	08/31/2005	Philippe Espiard	264120US0PCT	9269
22850 7590 01/11/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER THOMPSON, CAMIE S				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
01/11/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/519,683

Applicant(s)

ESPIARD ET AL.

Examiner

Camie S. Thompson

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 9/24/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-28 is/are pending in the application.
- 4a) Of the above claim(s) 16-22, 25, 26 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 15 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment and accompanying remarks filed September 24, 2009 are acknowledged.
2. Examiner acknowledges amended claims 13, 23-24 and 27.
3. The rejection of claims 13-15, 23-24 and 27 under 35 U.S.C. 102(b) as being anticipated by Marchetti et al., U.S. Patent Number 4,501,787 is overcome by applicant's amendment.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 24 is rendered indefinite because of the term "epoxy-type". Regarding claim 24, the term "type" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "type"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 13 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Caccini et al., U.S. Patent Number 5,968,645.

Caccini discloses an inorganic fiber material comprising a sizing wherein the fiber material can be used for thermal and/or acoustic insulation (see column 6, lines 24-28). Caccini discloses that the inorganic fibers are composed of mineral fibers (see column 6, lines 41-54). Caccini also discloses that the sizing composition comprises epoxy resin (see column 4, lines 48-53). Claim 8 of the Caccini reference discloses that the sizing composition comprises a binder. Also, claim 8 of the Caccini reference discloses that the sizing composition comprises a thermoplastic resin. It is disclosed in column 7 that the resin (based on phenol-formaldehyde and urea-formaldehyde) is present in the amount of 39%. Additionally, Caccini discloses that an epoxy resin of the glycidyl ether type in combination with an amine hardener (see column 4, lines 52-53). Column 4 also discloses that an organic binder is used in the sizing composition. Caccini discloses in column 5, lines 65-68 that the density of the product is from 9 to 14 kg/m³.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caccini et al., U.S. Patent Number 5,968,645 in view of Marten et al., U.S. Patent Number 6,329,473.

Caccini discloses an inorganic fiber material comprising a sizing wherein the fiber material can be used for thermal and/or acoustic insulation (see column 6, lines 24-28). Caccini discloses that the inorganic fibers are composed of mineral fibers (see column 6, lines 41-54). Caccini also discloses that the sizing composition comprises epoxy resin (see column 4, lines 48-53). Claim 8 of the Caccini reference discloses that the sizing composition comprises a binder. Also, claim 8 of the Caccini reference discloses that the sizing composition comprises a thermoplastic resin. It is disclosed in column 7 that the resin (based on phenol-formaldehyde and urea-formaldehyde) is present in the amount of 39%. Additionally, Caccini discloses that an epoxy resin of the glycidyl ether type in combination with an amine hardener (see column 4, lines 52-53). Column 4 also discloses that an organic binder is used in the sizing composition. Caccini does not disclose the epoxy equivalent weight (EEW) of the epoxy resin. Marten discloses epoxy resin compositions that can be used for inorganic substrates or in many fields of application where good adhesion, high impact and shock strength and improved flexibility and elasticity are required (see column 15). Marten discloses that the EEW for the composition is from 150 to 800 wherein the epoxy is of the glycidyl ether type (see column 7). The EEW affects the viscosity of the composition. Therefore, it would have been obvious to one of ordinary skill in the art to use the epoxy resin mixture of the Marten reference in the Caccini reference in order to have a low viscosity sizing composition that provides improved flexibility for the sizing composition in order to have a high impact and shock strength thermal and/or acoustic product.

Allowable Subject Matter

10. Claims 15 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant claims the recited thermal and/or acoustic product, further comprising a web of mineral fibers wherein the web is place on at least one of the outer surfaces of the insulating product and the grammage of the web of mineral fibers is between 10 and 300 g/m². The closest prior art, Caccini et al., U.S. Patent Number 5,968,645, teaches a thermal and/or acoustic insulation product comprising a fiber material (mineral wool) with a sizing composition that comprises an organic binder and an epoxy resin of the glycidyl ether type. Caccini fails to teach or suggest a web of mineral fibers wherein the web is place on at least one of the outer surfaces of the insulating product and the grammage of the web of mineral fibers is between 10 and 300 g/m² included in the thermal and/or acoustic insulation product.

Response to Arguments

11. Applicant's arguments with respect to the present claims have been considered but are moot in view of the new ground(s) of rejection.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camie S. Thompson whose telephone number is 571-272-1530. The examiner can normally be reached on Monday-Friday 8:00 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit 1794

/Camie S Thompson/
Examiner, Art Unit 1794